

U.S. Department of Labor

**Board of Contract Appeals
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September 27, 1999

Case Nos.: 1997-BCA-4, 1999-BCA-2

Appeal of

BRERO CONSTRUCTION, INC.

Contract No.: E-4098-3-00-82-20

**RULING ON CONTRACTING OFFICER'S MOTION
REGARDING REQUEST FOR ADMISSIONS**

The Contracting Officer moved for an order deeming Appellant to have admitted the statements in the Contracting Officer's request for admissions on July 15, 1999. The Contracting Officer contends that Appellant's response was dated ten days later than the deadline for submission imposed by the Board's pertinent order, and was incomplete because it was not signed. The Contracting Officer contends that he cannot rely on Appellant's two admissions because they are not signed.

Appellant admits that the response to the request for admissions was ten days late and contends that the response to the request for admissions did not have to be signed to be binding. Appellant contends further that the late response was not egregious. Appellant has subsequently provided responses over the signature of counsel. Appellant avers that the omission was an administrative error. In any event, Appellant by its response of record would now be effectively estopped from denying the efficacy of its responses.

Under the circumstances, the Appellant's responses to the Contracting Officer's request for admissions may be, and are, deemed binding. The Contracting Officer's motion is granted in part and denied in part, accordingly.

So ordered

EDWARD TERHUNE MILLER

Member, Board of Contract Appeals